

November 21, 2005

To All Interested Individuals:

The current onsite regulations, are arguably progressive in comparison to many other states, however, they fall short of fulfilling Virginia's wastewater needs. Four major concerns dictate the need to revise the regulations. These are:

1. The regulations do not include performance based standards.
2. The regulations do not establish requirements for responsible management entities.
3. There is no requirement for monitoring (inspection) of existing systems.
4. The patchwork of regulation and policy that exists is more complex than it needs to be.

Drafting regulations will be the top priority of the Division for 2006. The plan to rewrite the onsite regulations is fairly simple. A Notice of Intended Regulatory Action (NOIRA) has been prepared and should be published on the Town Hall shortly. Starting on January 31, 2006, I plan to start meeting once per week in the 5th floor conference room in the Madison building beginning at 9:30 am and continuing until 3:00 pm to revise the regulations. The meetings will generally be every Tuesday (the exact schedule appears at the end of this letter).

Soliciting a broad spectrum of input from the very start of the process and keeping the process open throughout the adoption phase is a goal of this process. To achieve the goal of soliciting broad input from the start, the weekly meetings will be open to the public at large. Staff from the Division of Onsite Sewage and Water Services will attend each meeting and *any and all* interested parties are encouraged to attend and participate in the drafting process. This invitation is specifically extended to all VDH employees, AOSEs, Professional Engineers, manufacturers, and other interested parties, regardless of whether or not they are Virginia residents.

The meeting will approach the drafting process in an orderly fashion starting with developing a performance based regulation and then revising or developing an up to date prescriptive regulation. A rough outline of the order of topics for the meetings has been prepared. When and where practical we will rely on existing documents to provide direction and ideas for building the regulatory framework that meets the our needs in Virginia. Existing documents include portions of the current onsite regulations, EPA guidance documents, NOWRA's model code, other state regulations, GMPs, contracts, and other documents.

Meeting minutes will be kept. After decisions are made, they will be reduced to writing and circulated for the following meeting. Both documents (minutes and regulatory language) will be published on the Division's website. I also expect to have decisions

reviewed by the Sewage Handling and Disposal Advisory Committee on a regular basis and have that group give feedback on the drafting process.

It is possible that there will be some areas where we will not be able to reach consensus. I'm hoping this won't be the case but experience suggests it would be prudent to plan for the possibility. This meeting process is not intended to resolve areas where there are conflicting opinions. When the process is complete, VDH will determine how to resolve the issue(s) in dispute. To the extent that it is practical, I'd like to go forward with non-controversial regulations. While I recognize that it may not be very probable, I believe it is possible.

Once the regulation is complete I would like the group to review the completed document once more in context. My expectation is the process will be educational and a review of the document will be beneficial and not excessively time consuming. If work needs to be done to achieve consensus on the document that will be the next order of business. When we achieve consensus on a regulation it will be published under the NOIRA mentioned earlier and we will formally solicit public comment and hold one or more public hearings.

A few final thoughts are probably in order. I've scheduled a years worth of meetings but I plan to take the time needed to draft a *good* regulation. There's no requirement that we take the full year to do this process if it isn't needed nor is there any reason we can't take more than a year, if we need it. My goal is not to have the perfect regulation and I plan to put into practice the concept that we're not going to hold a very good set of regulations hostage for a perfect set of regulations. The regulations need to be simple, effective and meet the mission of the health department, which is to protect public health and the environment.

Sincerely,

Donald Alexander, Director
Division of Onsite Sewage and Water Services

Onsite Regulation Drafting Meeting Dates

January 31
February 7, 14, 21, 28
March 7, **16**, 21, 28
April **6**, 11, 18, 25
May **4**, 9, **17**, 23, 30
June 6, 13, 20, 27
July **5**, 11, 18, 25
August 1, 8, 15, 22, 29
September 5, 12, 19, 26
October 3, 10, **18**, 24, 31
November 7, 14, 21, 28
December 5, 12, 19, 26

Note: All dates shown are Tuesdays except the dates shown in bold print.